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Roland E. Garcia, doing business  
as "Garcia International Trading"

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

ROLAND E. GARCIA, doing business as  
"GARCIA INTERNATIONAL TRADING",

Plaintiff,

v.

DAVID COLEMAN, an individual; ANN  
COLEMAN, an individual; AMERIVINE,  
INC.; and DOES 1-100,

Defendants.

Case No.: C07-2279

**FIRST AMENDED COMPLAINT FOR  
COPYRIGHT INFRINGEMENT,  
COMMON LAW MISAPPROPRIATION,  
VIOLATIONS OF CALIFORNIA  
BUSINESS AND PROFESSIONS CODE §  
17200, et seq., COMMON LAW UNFAIR  
COMPETITION, FRAUD AND DECEIT,  
CONVERSION, BREACH OF THE  
IMPLIED COVENANT OF GOOD  
FAITH AND FAIR DEALING, AND  
CONSPIRACY**

**DEMAND FOR JURY TRIAL**

Plaintiff ROLAND E. GARCIA, doing business as "GARCIA INTERNATIONAL  
TRADING" ("Garcia" or "Plaintiff"), hereby alleges upon knowledge as to himself and his own  
acts and upon information and belief as to all other matters, as follows:

1. This is an action for copyright infringement, common law misappropriation,  
violations of California Business and Professions Code § 17200, et seq., common law unfair  
competition, fraud and deceit, breach of the implied covenant of good faith and fair dealing, and

1 conspiracy in connection with Defendants' theft of Garcia's proprietary "SONOMA RIDGE"  
 2 brand name and copying of Garcia's wine label design.

3       2. In 1994, Garcia developed a plan to sell wine with a proprietary brand name and  
 4 proprietary label. Garcia selected the brand name "SONOMA RIDGE" and arranged for the  
 5 design of a proprietary wine label. Garcia owns all copy rights to a particular photograph and  
 6 contracted with label designers to design a wine label using the name "SONOMA RIDGE" and  
 7 prominently featuring the photograph.

8       3. In 1996, Garcia entered into an agreement with Defendants to supply Garcia with  
 9 bottled wine, labeled with Garcia's proprietary "SONOMA RIDGE" brand name and wine label.  
 10 In 1997, Garcia purchased 98 cases of Napa Valley Chardonnay and 112 cases of North Coast  
 11 Sauvignon Blanc from Defendants and arranged for this wine to be shipped to Garcia's company  
 12 in Germany for resale in Europe. On information and belief, beginning in 1997, without  
 13 Garcia's knowledge or consent, Defendants stole and used Garcia's labels, stole Garcia's  
 14 proprietary "SONOMA RIDGE" brand name and copied Garcia's wine label including using  
 15 Garcia's photograph for their own wines sold in the United States. Defendants conspired to keep  
 16 this information from Garcia.

17       4. As a result of Defendants' wrongful actions, Garcia has been damaged in an  
 18 amount to be determined at trial.

### 19 PARTIES

20       5. Plaintiff is an individual residing in Escondido, California.

21       6. Plaintiff is informed and believes, and on that basis alleges, that Defendant David  
 22 Coleman is an individual residing in Santa Rosa, California. From 1981 through the present,  
 23 David Coleman was an owner of Amerivine, Inc.

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1           7.       Plaintiff is informed and believes, and on that basis alleges, that Defendant Ann  
2 Coleman is an individual residing in Santa Rosa, California. From 1981 through the present,  
3 Ann Coleman was an owner of, or had a community property interest in, Amerivine, Inc.

4           8.       Plaintiff is informed and believes, and on that basis alleges, that Defendant  
5 Amerivine, Inc. ("Amerivine") is, and at all relevant times was, a corporation organized and  
6 existing under the laws of the State of California, with its principal place of business in Santa  
7 Rosa, California. From 1981 through 2004, Amerivine operated under the fictitious business  
8 name of "Adler Fels Winery."

9           9.       The true names and capacities, whether individual, corporate, associate or  
10 otherwise of Defendants sued herein as DOES 1 through 100, inclusive, are unknown to  
11 Plaintiff, and are therefore sued by such fictitious names (the "Doe Defendants"). If necessary,  
12 Plaintiff will seek leave of Court to amend this Complaint to state their true names and capacities  
13 when the same have been ascertained. Plaintiff is informed and believes, and on that basis  
14 alleges, that each DOE Defendant is liable to Plaintiff as a result of their participation in all or  
15 some of the acts hereinafter set forth. David Coleman, Ann Coleman, Amerivine and the Doe  
16 Defendants are referred to collectively herein as "Defendants."

17           10.      Plaintiff is informed and believes, and on that basis alleges, that at all times  
18 mentioned in this Complaint, each of the Defendants was the agent of each of the other  
19 Defendants and, in doing the things alleged herein, was acting within the scope of such agency.  
20 Plaintiff is further informed and believes, and on that basis alleges, that the conduct of each of  
21 the Defendants as alleged herein was ratified by each of the other Defendants and the benefits  
22 thereof were accepted by each Defendant.

23           11.      Plaintiff is informed and believes, and on that basis alleges that it is therefore appropriate  
24 and just to treat all Defendants as the same and hold them all liable for each other's wrongdoing.

**JURISDICTION AND VENUE**

12. This is a civil action seeking damages for copyright infringement under the Copyright Act, 17 U.S.C. § 101 et seq. This Court has subject matter jurisdiction over this federal question pursuant to 17 U.S.C. § 501 and 28 U.S.C. §§ 1331 and 1338(a). The Court also has supplemental jurisdiction over Plaintiff's claims arising under California common law and California Business and Professions code § 17200 et seq. pursuant to 28 U.S.C. § 1367, as those claims form part of the same case or controversy.

13. This Court has personal jurisdiction over Defendants David Coleman, Ann Coleman, and Amerivine in that, among other things, the Defendants reside and/or do business in this judicial District.

14. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) and (c).

**GENERAL ALLEGATIONS**

15. In 1994, Garcia developed a plan to sell wine with a proprietary brand name and proprietary label using a photograph taken along Westside Road, near Healdsburg, California. Garcia owns all copy rights relating to this photograph. Garcia's plan contemplated contracting with a third-party winery to supply and bottle the wine with Garcia's proprietary brand name and proprietary label, and offering the wines for sale first in Europe, and then later in the United States.

16. During the period from 1994 to 1996, Garcia selected the name "SONOMA RIDGE" as the proprietary brand name for his wine and arranged for the design of a proprietary label. Thereafter, Garcia contracted with label designers to design a wine label using the name "SONOMA RIDGE" and his Westside Road photograph. A true and correct copy of Garcia's proprietary "SONOMA RIDGE" wine label design is attached hereto as Exhibit A.

1           17.     Sometime between June and December 1995, Garcia met David and Ann  
2 Coleman. Soon thereafter, Garcia and his wife became friends with the Colemans, and the two  
3 couples began socializing together.

4           18.     On or around November 15, 1996, Garcia entered into a verbal agreement with  
5 the Coleman controlled company, Amerivine, to supply Garcia with bottled wine, labeled with  
6 Garcia's proprietary "SONOMA RIDGE" brand name and wine label. The first wines were to be  
7 a Napa Valley Chardonnay and North Coast Sauvignon Blanc. According to their agreement,  
8 Garcia was to purchase the labels directly from a label printing company. Amerivine would  
9 provide the wine and the rest of the packaging materials, and bottle and label the wine with  
10 Garcia's proprietary "SONOMA RIDGE" brand name and wine label.

11           19.     As part of their verbal agreement, Garcia and Defendants understood that  
12 Defendants would not use Garcia's proprietary "SONOMA RIDGE" brand name and wine label  
13 on any other wines.

14           20.     As part of their verbal agreement, Garcia agreed to pay in advance for a portion  
15 of the amount due relating to the first shipment of wine labeled with Garcia's proprietary  
16 "SONOMA RIDGE" brand name and wine label, and to pay the amount outstanding on delivery.  
17 Consequently, Amerivine prepared two invoices for such wine, Invoice 96-1115 in 1996 for 112  
18 cases of wine in the amount of \$3,920.00, and Invoice 97-621 in 1997 for 98 cases of wine in the  
19 amount of \$3,360.00. True and correct copies of the two invoices received by Garcia from  
20 Defendants for the first shipment of wine are attached hereto as Exhibit B.

21           21.     On or around April 28, 1997, Garcia ordered 25,000 master wine labels featuring  
22 Garcia's proprietary "SONOMA RIDGE" brand name and wine label design from AC Label  
23 Company. "Master" wine labels have the basic features of the wine label, but have not been  
24 printed with the specific varietal, vintage, and viticultural area applicable to a particular wine.

1 Garcia directed AC Label Company to imprint 3,000 of the "SONOMA RIDGE" master labels  
2 with the words "1994 Napa Valley Chardonnay" and 1,500 of the master labels with the words  
3 "1994 North Coast Sauvignon Blanc," and then ship those labels directly to Defendants. The  
4 remaining 20,500 labels were to be retained by AC Label Company until they received further  
5 direction from Garcia regarding future imprints for varietal, vintage, and viticultural area. A true  
6 and correct copy of the invoice received by Garcia from AC label is attached hereto as Exhibit C.

7 22. On or around June 8, 1997, David Coleman filed an application for a Certificate  
8 of Label Approval ("COLA") with the federal Bureau of Alcohol Tobacco and Firearms  
9 ("BATF") for Garcia's proprietary "SONOMA RIDGE" wine label imprinted with the  
10 information for the 1994 North Coast Sauvignon Blanc. The application was made in the name  
11 of Adler Fels Winery "for account of Garcia International Trading, Inc." The application was  
12 approved by the BATF on June 20, 1997. A true and correct copy of the COLA issued by the  
13 BATF is attached hereto as Exhibit D.

14 23. On or around June 1997, Amerivine shipped 112 cases of 1994 North Coast  
15 Sauvignon Blanc and 98 cases of 1994 Napa Valley Chardonnay bearing Garcia's proprietary  
16 "SONOMA RIDGE" wine label to Garcia's company in Germany.

17 24. On information and belief, sometime after June 1997 and continuing until at least  
18 2004, Defendants, without Garcia's knowledge or consent, began to produce, manufacture,  
19 distribute, and sell wines bearing Garcia's proprietary "SONOMA RIDGE" brand name and  
20 wine label design for their own benefit in the United States, in violation of Garcia's rights.  
21 Moreover, on information and belief, Defendants sold wines bearing Garcia's proprietary  
22 "SONOMA RIDGE" brand name and wine label design in places where Garcia was not likely to  
23 become aware of such sales, including but not limited to sales outside of California. Defendants  
24

1 intentionally failed to disclose to Garcia that Defendants were using Garcia's proprietary  
2 "SONOMA RIDGE" brand name and wine label design for these purposes.

3       25. On information and belief, sometime after June 1997, without Garcia's  
4 knowledge or consent, Defendants stole and converted the approximately 2,000 "SONOMA  
5 RIDGE" 1994 Napa Valley Chardonnay wine labels that were left over from the bottling of the  
6 wines for Garcia. On information and belief, sometime after June 1997, without Garcia's  
7 knowledge or consent, Defendants produced, manufactured, distributed, and sold wines labeled  
8 with Garcia's 2,000 "SONOMA RIDGE" 1994 Napa Valley Chardonnay wine labels.  
9 Defendants intentionally failed to disclose to Garcia that Defendants were using Garcia's 2,000  
10 "SONOMA RIDGE" 1994 Napa Valley Chardonnay wine labels for these purposes.

11       26. On information and belief, sometime after June 1997, without Garcia's  
12 knowledge or consent, Defendants stole and converted the approximately 20,500 "SONOMA  
13 RIDGE" master labels remaining at AC Label Company. On information and belief, sometime  
14 after June 1997, without Garcia's knowledge or consent, Defendants instructed AC Label  
15 Company to imprint these master labels with specific varietal, vintage, and viticultural area  
16 information relating to Defendants' own wine. On information and belief, sometime after June  
17 1997, without Garcia's knowledge or consent, Defendants produced, manufactured, distributed,  
18 and sold wines labeled with Garcia's 20,500 "SONOMA RIDGE" master wine labels.  
19 Defendants intentionally failed to disclose to Garcia that Defendants were using Garcia's 20,500  
20 "SONOMA RIDGE" master wine labels for these purposes.

21       27. On information and belief, from time to time after June 1997, without Garcia's  
22 knowledge or consent, Defendants ordered additional wine labels featuring Garcia's proprietary  
23 "SONOMA RIDGE" brand name and wine label design featuring Garcia's Westside Road  
24 photograph from one or more label printing companies. On information and belief, from time to



1 time after June 1997, without Garcia's knowledge or consent, Defendants produced,  
2 manufactured, distributed, and sold wines labeled with such labels. Defendants intentionally  
3 failed to disclose to Garcia that Defendants were using Garcia's proprietary "SONOMA RIDGE"  
4 brand name and wine label design for these purposes.

5 28. On information and belief, on or around March 1998, without Garcia's knowledge  
6 or consent, Defendants filed an application to register "SONOMA RIDGE" as a trademark in the  
7 state of California, identifying the applicant and owner of the trademark as "David F. Coleman,  
8 (A Partnership) in Adler Fels." Defendants intentionally failed to disclose to Garcia that  
9 Defendants had filed a trademark application in the state of California for Garcia's proprietary  
10 "SONOMA RIDGE" brand name.

11 29. On information and belief, on or before November 1997, without Garcia's  
12 knowledge or consent, Defendants sold or otherwise transferred Garcia's "SONOMA RIDGE"  
13 brand name to Allied Management Inc., a New Jersey corporation ("Allicd"), with whom  
14 Defendants had an on-going business relationship relating to the sale of wine. Allied filed an  
15 application to register "SONOMA RIDGE" as a trademark with the U.S. Patent and Trademark  
16 Office in April 1998, claiming a first use date of November 1, 1997. Defendants intentionally  
17 failed to disclose to Garcia that Defendants had given permission for Allied to file a trademark  
18 application with the U.S. Patent and Trademark Office for Garcia's proprietary "SONOMA  
19 RIDGE" brand name.

20 30. On information and belief, from 1998 through 2003, without Garcia's knowledge  
21 or consent, Defendants received at least nine separate Certificates of Label Approval ("COLA")  
22 from the BATF for wine labels featuring Garcia's proprietary "SONOMA RIDGE" brand name  
23 and wine label design. True and correct copies of these COLA applications are attached hereto  
24 as Exhibit E. The COLAs were applied for in the name of David Coleman and either Amerivine,



1 Inc. or Adler Fels Winery, or both. Defendants intentionally failed to disclose to Garcia that  
2 Defendants had filed for and received COLAs for wine labels featuring Garcia's proprietary  
3 "SONOMA RIDGE" brand name and wine label design.

4 31. From time to time during the period from 1995 through 2000, Defendants David  
5 Coleman and Ann Coleman socialized with Garcia and his wife on a regular basis. In particular,  
6 they played golf together once or twice a month. In late November through early December of  
7 1996 and 1997, the Colemans vacationed with Garcia and his family as Garcia's guests in  
8 Acapulco, Mexico, where the Colemans celebrated Thanksgiving with Garcia and his family. In  
9 October 1997, the Colemans and Garcia and his wife played golf together in the Fountaingrove  
10 Golf Club Couples' Tournament, in Santa Rosa, California. During this time period, the two  
11 couples maintained what Garcia thought was an honest friendship based on mutual trust and  
12 respect.

13 32. On information and belief, beginning in 1997, Ann Coleman was aware that her  
14 husband, David Coleman, and Amerivine were using Garcia's proprietary "SONOMA RIDGE"  
15 brand name and wine label design without Garcia's knowledge or consent.

16 33. On information and belief, beginning in 1997, Ann Coleman agreed with her  
17 husband David Coleman, to conceal from Garcia that the Defendants were using Garcia's  
18 proprietary "SONOMA RIDGE" brand name and wine label design. Indeed, whenever Garcia  
19 spoke with David and Ann Coleman, the Colemans affirmatively concealed from Garcia that  
20 Defendants were using Garcia's proprietary "SONOMA RIDGE" brand name and wine label  
21 design.

22 34. On information and belief, on or around December 2004, David and Ann  
23 Coleman sold substantially all of the assets of Amerivine, comprising the wine business known  
24 as "Adler Fels Winery" for a purchase price of more than \$10,000,000. The purchaser was the

1 Adams Wine Group, a limited liability company organized under the laws of Minnesota. On  
2 information and belief, one of the assets sold to the Adams Wine Group was the goodwill related  
3 to the business of producing, manufacturing, distributing, and selling Defendants' wines bearing  
4 Plaintiff's proprietary "SONOMA RIDGE" brand name and wine label design featuring Garcia's  
5 photograph. On information and belief, part of the purchase price paid by the Adams Wine  
6 Group to David and Ann Coleman included consideration for the goodwill related to the business  
7 of producing, manufacturing, distributing, and selling Defendants' wines bearing Plaintiff's  
8 proprietary "SONOMA RIDGE" brand name and wine label design featuring Garcia's  
9 photograph. On information and belief, Adams Wine Group continues to manufacture, distribute  
10 and sell wines under the "SONOMA RIDGE" brand name to this day.

11 35. On or around January 2006, Garcia decided to begin using his "SONOMA  
12 RIDGE" brand name and wine label for wine that Garcia would sell in the United States,  
13 including but not limited to, California. On December 20, 2006, Garcia applied for a Federal  
14 Copyright for the wine label entitled "SONOMA RIDGE." The application was received along  
15 with the required deposit of fees by the Register of Copyrights of the United States Copyright  
16 Office on January 3, 2007. While pending, the Federal Copyright application was amended on  
17 June 25, 2007, describing the work as a photograph, the same photograph referenced  
18 hereinabove. Plaintiff's application was approved and Plaintiff owns the copyright as described  
19 in Plaintiff's Federal Copyright Registration effective January 3, 2007. A true and correct copy  
20 of the Certificate of Registration is attached to hereto as Exhibit F.

21 36. On or around February 2006, Garcia learned that Defendants had stolen extra  
22 labels belonging to Garcia and had copied Garcia's proprietary "SONOMA RIDGE" brand name  
23 and wine label design and had been using such brand name and wine label design, including the  
24 photograph belonging to Garcia, for their own wines from 1997 to 2004.

**FIRST CAUSE OF ACTION**  
**Copyright Infringement – 17 U.S.C. § 106**  
**(David Coleman and Amerivine)**

37. Plaintiff incorporates herein by this reference each and every averment contained in paragraphs 1 through 36, inclusive.

38. Through their conduct averred herein, Defendants David Coleman and Amerivine have infringed Plaintiff's copyrights in the "SONOMA RIDGE" wine label design by copying, reproducing, adapting, and distributing works embodying Plaintiff's proprietary "SONOMA RIDGE" wine label design featuring Garcia's photograph without authorization in violation of Section 106 of the Copyright Act. 17 U.S.C. § 106.

39. Defendants' acts of infringement were willful, in disregard of and with indifference to the rights of Plaintiff.

40. As a direct and proximate result of the infringements by Defendants, Plaintiff is entitled to damages and Defendants' profits in an amount to be proven at trial, and which are not currently ascertainable. If necessary, Plaintiff will seek leave to amend this complaint to state the full amount of such damages and profits when such amounts have been ascertained.

**SECOND CAUSE OF ACTION**  
**Common Law Misappropriation**  
**(David Coleman and Amerivine)**

41. Plaintiff incorporates herein by this reference each and every averment contained in paragraphs 1 through 40, inclusive.

42. Plaintiff invested substantial time, money, and skill in developing the "SONOMA RIDGE" brand name, and hired AC Label to create the master printing plates for Plaintiff's proprietary "SONOMA RIDGE" wine label design.

43. Defendants misappropriated and used Plaintiff's "SONOMA RIDGE" brand name and the master printing plates, all at little or no cost to the Defendants.

1           44. Defendants' misappropriation and use of Plaintiff's "SONOMA RIDGE" brand  
2 name and master printing plates was without the authorization or consent of the Plaintiff.

3           45. On information and belief, on or before November 1997, without Plaintiff's  
4 knowledge or consent, Defendants sold or otherwise transferred Plaintiff's "SONOMA RIDGE"  
5 brand name to Allied. Allied has filed an application for a federal trademark of Plaintiff's  
6 "SONOMA RIDGE" brand name and received a federal registration for such trademark on  
7 August 24, 2004. Plaintiff now has no recourse to recover his original rights to Plaintiff's  
8 "SONOMA RIDGE" brand name.

9           46. Defendants' acts were willful, in disregard of and with indifference to the rights  
10 of Plaintiff.

11           47. As a direct and proximate result of Defendants' conduct, Plaintiff is now  
12 precluded from using the "SONOMA RIDGE" brand name in connection with the production  
13 and sale of wine in the United States, including California.

14           48. As a direct and proximate result of Defendants' conduct, Plaintiff is entitled to  
15 damages and Defendants' profits in an amount to be proven at trial, and which are not currently  
16 ascertainable. If necessary, Plaintiff will seek leave to amend this complaint to state the full  
17 amount of such damages and profits when such amounts have been ascertained.

18           49. Defendants committed the acts alleged herein with the wrongful and deliberate  
19 intention of injuring Plaintiff's business and benefiting their common enterprise. In so doing,  
20 Defendants acted with oppression, fraud, or malice. Accordingly, pursuant to California Civil  
21 Code § 3294(a), Plaintiff is entitled to recover punitive and exemplary damages from  
22 Defendants.

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**THIRD CAUSE OF ACTION**

**Unfair Competition Cal. Bus. & Prof. Code § 17200, et seq.  
(David Coleman and Amerivine)**

50. Plaintiff incorporates herein by this reference each and every averment contained in paragraphs 1 through 49, inclusive.

51. By appropriating Plaintiff's "SONOMA RIDGE" brand name for their own proprietary wines, Defendants David Coleman and Amerivine have engaged in unlawful, unfair or fraudulent business acts or practices in violation of California Business and Professions Code, § 17200, et seq.

52. Defendants concealed their wrongful conduct from Plaintiff, such that Plaintiff, acting as a reasonable person, did not know of their actions.

53. Defendants' unlawful, unfair or fraudulent business acts or practices were willful, in disregard of and with indifference to the rights of Plaintiff.

54. As a direct and proximate result of Defendants' unlawful, unfair or fraudulent business acts or practices, Plaintiff is now precluded from using the "SONOMA RIDGE" brand name in connection with the production and sale of wine in the United States, including California.

55. As a direct and proximate result of Defendants' unlawful, unfair or fraudulent business acts or practices, Plaintiff is entitled to damages and Defendants' profits in an amount to be proven at trial, and which are not currently ascertainable. If necessary, Plaintiff will seek leave to amend this complaint to state the full amount of such damages and profits when such amounts have been ascertained.

56. Defendants committed the acts alleged herein with the wrongful and deliberate intention of injuring Plaintiff's business and benefiting their common enterprise. In so doing, Defendants acted with oppression, fraud, or malice. Accordingly, pursuant to California Civil

1 Code § 3294(a), Plaintiff is entitled to recover punitive and exemplary damages from  
2 Defendants.

3 **FOURTH CAUSE OF ACTION**  
4 **Common Law Unfair Competition**  
**(David Coleman and Amerivine)**

5 57. Plaintiff incorporates herein by this reference each and every averment contained  
6 in paragraphs 1 through 56, inclusive.

7 58. By appropriating Plaintiff's "SONOMA RIDGE" brand name for their own  
8 proprietary wines, Defendants David Coleman and Amerivine have engaged in unlawful, unfair  
9 and/or fraudulent business acts or practices.

10 59. Defendants concealed their wrongful conduct from Plaintiff, such that Plaintiff,  
11 acting as a reasonable person, did not know of their actions.

12 60. Defendants' unlawful, unfair or fraudulent business acts or practices were willful,  
13 in disregard of and with indifference to the rights of Plaintiff.

14 61. As a direct and proximate result of Defendants' unlawful, unfair or fraudulent  
15 business acts or practices, Plaintiff is now precluded from using the "SONOMA RIDGE" brand  
16 name in connection with the production and sale of wine in the United States, including  
17 California.

18 62. As a direct and proximate result of Defendants' unlawful, unfair or fraudulent  
19 business acts or practices, Plaintiff is entitled to damages and Defendants' profits in an amount to  
20 be proven at trial, and which are not currently ascertainable. If necessary, Plaintiff will seek  
21 leave to amend this complaint to state the full amount of such damages and profits when such  
22 amounts have been ascertained.

23 63. Defendants committed the acts alleged herein with the wrongful and deliberate  
24 intention of injuring Plaintiff's business and benefiting their common enterprise. In so doing,

1 Defendants acted with oppression, fraud, or malice. Accordingly, pursuant to California Civil  
2 Code § 3294(a), Plaintiff is entitled to recover punitive and exemplary damages from  
3 Defendants.

4 **FIFTH CAUSE OF ACTION**  
5 **Fraud and Deceit**  
6 **(David Coleman, Ann Coleman, and Amerivine)**

7 64. Plaintiff incorporates herein by this reference each and every averment contained  
8 in paragraphs 1 through 63, inclusive.

9 65. Defendants made material misrepresentations of fact and omitted to state  
10 materials facts with the knowledge that such statements, and/or omissions, were false and/or  
11 misleading. In particular, Defendants actively concealed that Defendants had stolen and  
12 converted Plaintiff's proprietary "SONOMA RIDGE" brand name and wine label design to  
13 produce, manufacture, distribute, and sell wines for their own account in the United States.

14 66. Defendants had knowledge that their material misrepresentations and  
15 concealments were false and/or misleading. In particular, Defendants knew that Plaintiff's  
16 proprietary "SONOMA RIDGE" brand name and wine label design were the property of  
17 Plaintiff.

18 67. Defendants intended to defraud Plaintiff, and induce Plaintiff to rely upon their  
19 material misrepresentations and concealments. In particular, Defendants intended that Plaintiff  
20 take no action to protect his proprietary "SONOMA RIDGE" brand name and wine label design  
21 by concealing Defendants' use of such brand name and wine label design to produce,  
22 manufacture, distribute, and sell wines for their own account in the United States.

23 68. Plaintiff justifiably relied upon Defendants' material misrepresentations and  
24 concealments. In particular, Defendants' hospitality and friendship to Plaintiff induced Plaintiff  
to consider them friends who would not have attempted to defraud him or to use, without his



1 knowledge or consent, Plaintiff's proprietary "SONOMA RIDGE" brand name and wine label  
2 design to produce, manufacture, distribute, and sell wines for their own account in the United  
3 States.

4 69. As a consequence of Defendants' fraud, Plaintiff did not become aware that  
5 Defendants had stolen and converted Plaintiff's proprietary "SONOMA RIDGE" brand name  
6 and wine label design until February 2006. Had Plaintiff been aware of the theft and copying of  
7 his proprietary "SONOMA RIDGE" brand name and wine label design by Defendants, Plaintiff  
8 would not have permitted Defendants to continue producing, manufacturing, distributing, and  
9 selling wines bearing Plaintiff's proprietary "SONOMA RIDGE" brand name and wine label  
10 design for their own account.

11 70. As a direct and proximate result of Defendants' fraud, Plaintiff is now precluded  
12 from using the "SONOMA RIDGE" brand name in connection with the production and sale of  
13 wine in the United States, including California.

14 71. As a direct and proximate result of Defendants' conduct, Plaintiff is entitled to  
15 damages and Defendants' profits in an amount to be proven at trial, and which are not currently  
16 ascertainable. If necessary, Plaintiff will seek leave to amend this complaint to state the full  
17 amount of such damages and profits when such amounts have been ascertained.

18 72. Defendants committed the acts alleged herein with the wrongful and deliberate  
19 intention of injuring Plaintiff's business and benefiting their common enterprise. In so doing,  
20 Defendants acted with oppression, fraud, or malice. Accordingly, pursuant to California Civil  
21 Code § 3294(a), Plaintiff is entitled to recover punitive and exemplary damages from  
22 Defendants.

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**SIXTH CAUSE OF ACTION**

**Conversion**

**(David Coleman and Amerivine)**

73. Plaintiff incorporates herein by this reference each and every averment contained in paragraphs 1 through 72, inclusive.

74. Beginning sometime after June 1997, Defendants David Coleman and Amerivine stole and converted Plaintiff's proprietary "SONOMA RIDGE" wine labels, bought and paid for from AC Label Company by Plaintiff, to produce, manufacture, distribute, and sell wines for their own account in the United States.

75. As a direct and proximate result of Defendants' conduct, Plaintiff is entitled to damages and Defendants' profits in an amount to be proven at trial, and which are not currently ascertainable. If necessary, Plaintiff will seek leave to amend this complaint to state the full amount of such damages and profits when such amounts have been ascertained.

76. Defendants committed the acts alleged herein with the wrongful and deliberate intention of injuring Plaintiff's business and benefiting their common enterprise. In so doing, Defendants acted with oppression, fraud, or malice. Accordingly, pursuant to California Civil Code § 3294(a), Plaintiff is entitled to recover punitive and exemplary damages from Defendants.

**SEVENTH CAUSE OF ACTION**

**Breach of Implied Covenant of Good Faith and Fair Dealing**

**(David Coleman and Amerivine)**

77. Plaintiff incorporates herein by this reference each and every averment contained in paragraphs 1 through 76, inclusive.

78. On or around November 15, 1996, Plaintiff, doing business as Garcia International Trading, and Amerivine entered into an agreement whereby Plaintiff would

1 purchase bottled wine from Amerivine labeled with Plaintiff's proprietary "SONOMA RIDGE"  
 2 brand name and wine label design.

3 79. As recognized by California Commercial Code § 1203, as well as under the  
 4 common law of the State of California, there is an implied covenant of good faith and fair  
 5 dealing in every contract involving the sale of goods or services.

6 80. Defendants David Coleman and Amerivine, by stealing and converting Plaintiff's  
 7 proprietary "SONOMA RIDGE" brand name and wine label design, breached the covenant of  
 8 good faith and fair dealing implied as a matter of law in their agreement with Plaintiff.

9 81. Plaintiff, for his part, fulfilled all of his obligations under the agreement with  
 10 David Coleman and Amerivine in good faith.

11 82. As a direct and proximate result of Defendants' conduct, Plaintiff is entitled to  
 12 damages and Defendants' profits in an amount to be proven at trial, and which are not currently  
 13 ascertainable. If necessary, Plaintiff will seek leave to amend this complaint to state the full  
 14 amount of such damages and profits when such amounts have been ascertained.

### 15 **EIGHTH CAUSE OF ACTION**

#### 16 **Conspiracy**

#### 17 **(Against All Defendants)**

18 83. Plaintiff incorporates herein by this reference each and every averment contained  
 19 in paragraphs 1 through 82, inclusive.

20 84. On information and belief, Defendants conspired with one another, as well as with  
 21 certain DOE defendants, to damage Plaintiff by infringing Plaintiff's copyrights and using and  
 22 appropriating Plaintiff's proprietary "SONOMA RIDGE" brand name and wine label design to  
 23 produce, manufacture, distribute, and sell wines for their own account in the United States.

24 85. Defendants agreed and understood that the purpose of their association was as  
 described in the preceding paragraph; understood that their purpose and their methods of

1 achieving this purpose were unlawful and would result in injury to Plaintiff and others; and  
2 agreed and understood that each would act in concert with the others to achieve this purpose.

3 86. Defendants undertook each and every overt and covert act as described in this  
4 Complaint in furtherance of this conspiracy. By accepting the ill-gotten gains of any Defendant,  
5 each and every Defendant ratified their co-conspirators' conduct.

6 87. As a direct and proximate result of Defendants' conduct, Plaintiff is entitled to  
7 damages and Defendants' profits in an amount to be proven at trial, and which are not currently  
8 ascertainable. If necessary, Plaintiff will seek leave to amend this complaint to state the full  
9 amount of such damages and profits when such amounts have been ascertained.

10 88. Defendants committed the acts alleged herein with the wrongful and deliberate  
11 intention of injuring Plaintiff's business and benefiting their common enterprise. In so doing,  
12 Defendants acted with oppression, fraud, or malice. Accordingly, pursuant to California Civil  
13 Code § 3294(a), Plaintiff is entitled to recover punitive and exemplary damages from  
14 Defendants.

15 WHEREFORE, Plaintiff prays judgment against Defendants and each of them as follows:

16 1. For damages, in an amount to be proven at trial, including, but not limited to,  
17 damages for the willful infringement of Plaintiff's copyrights, the value of the lost business  
18 opportunity to sell and market wines bearing Plaintiff's proprietary "SONOMA RIDGE" brand  
19 name and wine label design in the United States, and the value of the labels paid for by Plaintiffs  
20 converted by Defendants for their own use.

21 2. For disgorgement of profits earned by Defendants from the sale of wines from  
22 1997 to 2004 bearing Plaintiff's proprietary "SONOMA RIDGE" brand name and wine label  
23 design.  
24

1           3.     For disgorgement of profits earned by Defendants from the sale or other transfer  
2 in 1997 of Plaintiff's proprietary "SONOMA RIDGE" wine brand name to Allied Management,  
3 Inc.

4           4.     For disgorgement of that portion of the profits earned by Defendants in the sale of  
5 the assets of the wine business known as "Adler Fels Winery" to the Adams Wine Group in  
6 2004, the selling price of which included consideration for the goodwill related to the business of  
7 producing, manufacturing, distributing, and selling Defendants' wines bearing Plaintiff's  
8 proprietary "SONOMA RIDGE" brand name and wine label design.

9           5.     For punitive and exemplary damages;

10          6.     For the value of property converted by Defendants plus interest from that time,  
11 pursuant to Civil Code Section 3336;

12          7.     For fair compensation for the time and money expended by Plaintiff in an attempt  
13 to recover the property converted by Defendants pursuant to Civil Code Section 3336,.

14          8.     For prejudgment interest on all amounts claimed;

15          9.     For costs of suit incurred herein; and

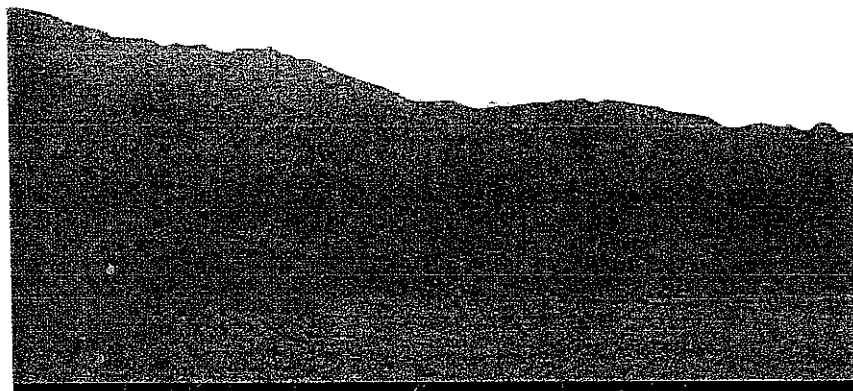
16          10.    For such other and further relief as the Court deems just and proper.

17 Dated: October 26, 2007

CARLE, MACKIE, POWER & ROSS LLP

18  
19 By: \_\_\_\_\_  
20 Philip J. Terry  
21 Attorneys for Plaintiff  
22 Roland E. Garcia doing business as  
23 "Garcia International Trading"  
24

**EXHIBIT - A -**



# SONOMA RIDGE

1994 North Coast  
SAUVIGNON BLANC

VINTED & BOTTLED BY SONOMA RIDGE



SANTA ROSA, CA ALC 12.5% BY VOL

*This Sauvignon Blanc comes from the North Coast Region of California and exhibits bright fruit flavors typical of grapes grown in this cool coastal region. A touch of citrus, oak, and slightly herbaceous, the appealing melon and citrus flavors are balanced with firm crisp acidity. A perfect match with seafood, poultry and pork.*

Imported By  
VINO INC.

Benjamin Deutchman  
For more information please  
call 800-49-36-34783440  
Fax 800-49-36-34783441



**EXHIBIT - B -**



ADLER  
FELS

Invoice 97-621  
June 16, 1997

Garcia International  
PO Box 5693  
Santa Rosa, CA 95402

5325 Corrick Lane  
Santa Rosa, CA 95409  
Telephone (707) 539-3123  
Fax (707) 539-3128

56 cs	Sauvignon Blanc @ \$30.00	\$1680.00
42 cs	Chardonnay @ \$40.00	<u>\$1680.00</u>
		\$3360.00

Per instruction of Roland Garcia, wines labeled and awaiting shipment.  
(SONOMA RIDGE)



MADE IN ADVANCE FOR PREPAYMENT

INVOICE #96-1115, 11/15/96

ADLER  
FELS

GIT  
PO Box 5693  
Santa Rosa, CA 95402

5325 Corrick Lane  
Santa Rosa, CA 95409  
Telephone (707) 539-3123  
Fax (707) 539-3128

56 cs	Sonoma Ridge Napa Valley Chardonnay	@\$40.00 -	\$ 2,240.00
<u>56</u> cs	Sonoma Ridge North Coast Sauvignon Blanc	@\$30.00 -	<u>1,680.00</u>
112 cs			\$ 3,920.00

Payment due December 15-20, 1996.

Thank you

**EXHIBIT - C -**



47000 WASHINGTON DRIVE  
FREMONT, CA 94539  
TEL (510) 480-1800  
FAX (510) 480-3700

2) TERMS NET 30 DAYS UNLESS OTHERWISE STATED. ALL PAST DUE  
BALANCES WILL BE SUBJECT TO A 1% SERVICE CHARGE PER  
MONTH (10% PER ANNUM)

5/30/97

SOLD TO  
GARCIA INTERNATIONAL  
PO BOX 5693  
SANTA ROSA  
CA 95402

SHIP TO  
ADLER FELS  
5325 CORBRICK LANE  
SANTA ROSA,  
CA 95409

SR SHELLS  
SRPACHAR  
SR94SB  
ART  
PLATE  
OTHER CHANGES  
TOOLING

1	4170000	UPS	CO62096	65	ROLAND	NET 30 DAYS
SR SHELLS	DAR, 3.25x6.5, SONOMA RIDGE SHELL	EA	25,000			97,740
	(PRICE PER 1000)					2,443.5
SRPACHAR	DAR, 3.25x6.5, SONOMA RIDGE	94 Q EA	3,000			66,670
	(PRICE PER 1000)					200.0
SR94SB	DAR, 3.25x6.5, SONOMA RIDGE	94 B EA	1,500			66,670
	(PRICE PER 1000)					100.0
ART	AR	EA	4			200.0
PLATE	PLATE US	EA	5			250.0
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11/05/1  
DRY SERVICE

**EXHIBIT - D -**

DEPARTMENT OF THE TREASURY BUREAU OF ALCOHOL, TOBACCO AND FIREARMS  
 DIVISION OF ANTI-COUNTERFEITING AND CERTIFICATION OF LABEL/BOTTLE APPROVAL

FORM 1-1 (REVISED 1997) (SEE INSTRUCTIONS ON BACK)

**PART I - APPLICATION**

1. NAME AND ADDRESS AND PLANT REGISTRY NO. OR BASIC CLAIMANT NO. OF APPLICANT  
 Adler Fels Winery  
 5325 Corrick Lane  
 Santa Rosa, CA 95409  
 BN CA 5024

2. VINEYARD NO. (Required)  
 97-2

3. DISTRICT (Required)  
 Sonoma Ridge

4. TYPE OF APPLICATION (Check Applicable Box)  
☒ CERTIFICATE OF LABEL APPROVAL  
☐ CERTIFICATE OF EXEMPTION FROM LABEL APPROVAL "FOR SALE IN" ONLY  
☐ DISTRICTIVE UNDER BOTTLE APPROVAL  
 TOTAL BOTTLE CAPACITY BEFORE CLOSURE \_\_\_\_\_ (PWT or equivalent)

5. VINTAGE (Year Only)  
 1994

6. AGE (Years) (Optional)  
 10

7. FORMULA NO. (Year)  
 10

8. STATE ANY VARIATION NOT SHOWN ON LABEL (Check boxes, etc.)  
 net contents - 750 ml - branded into bottle

**PART II - APPLICANT'S CERTIFICATION**

I, the undersigned, hereby certify under the penalties of perjury that to the best of my knowledge and belief all statements appearing in this application and in the supplemental documents are true and correctly represent the contents of the application and the supplemental documents. I further certify that the application and the supplemental documents are true and correctly represent the contents of the application and the supplemental documents. I further certify that the application and the supplemental documents are true and correctly represent the contents of the application and the supplemental documents.

9. SIGNATURE OF APPLICANT OR AUTHORIZED AGENT  
 David F. Coleman

**PART III - BYE CERTIFICATE**

10. SIGNATURE OF DIRECTOR, BUREAU OF ALCOHOL, TOBACCO AND FIREARMS  
 [Signature]

FOR SET USE ONLY

11. SIGNATURE OF DIRECTOR, BUREAU OF ALCOHOL, TOBACCO AND FIREARMS  
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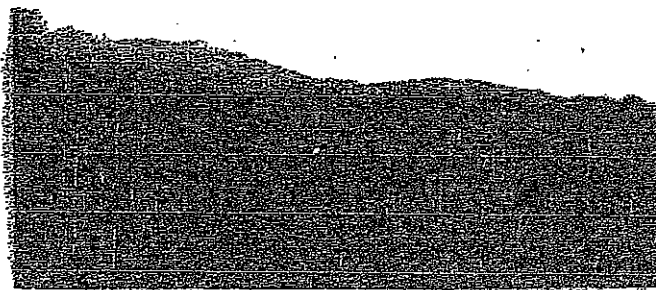
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SONOMA RIDGE  
 1994 North Coast  
 SAUVIGNON BLANC

VINTAGE BOTTLED BY SONOMA RIDGE SANTAROSA, CA - ALCOHOL 11.5% BY VOL

This Sauvignon Blanc comes from the North Coast Region of California and exhibits bright fruit flavors typical of grapes grown in this cool coastal region. A touch of sweet oak and slightly herbaceous, the appealing melon and citrus flavors are balanced with firm, crisp acidity. A perfect match with seafood, veal and poultry.

Imported By  
 GISCOR INC.  
 Berlin, Deutschland  
 Weitere Informationen unter  
 Tel: 0049-30-24752446  
 Fax: 0049-30-24752447

Front

RECEIVED BY MAIL

Back



## **EXHIBIT E**

1. NAME OF APPLICANT David Coleman 5525 GARDEN LANE SANTA ROSA, CA 95409 BR 5024 DSA: Sonoma Ridge	
2. TYPE OF APPLICATION (Check Applicable Box) a. <input checked="" type="checkbox"/> CERTIFICATE OF LABEL APPROVAL b. <input type="checkbox"/> CERTIFICATE OF ORIGIN FROM LABEL APPROVAL FOR SALE IN _____ ONLY c. <input type="checkbox"/> DISTRICT EXCISE DUTY APPROVAL TOTAL DISTRICT DUTY BEFORE CLOSURE _____ (For use only)	
3. ADDITIONAL COMMENTS Net contents 750ml - transferred into bottle	
4. APPLICANT'S CERTIFICATION I, the undersigned, hereby certify that the contents of this application are true and correct and that the information provided is complete and accurate. I am the owner of the wine and am responsible for the accuracy of the information provided. I am aware of the penalties for providing false information and I am willing to accept the consequences of any violation of the law.	
5. APPLICANT'S SIGNATURE David Coleman <i>David F. Coleman</i>	
6. WITNESS'S SIGNATURE _____ _____	
7. FOR AIP USE ONLY _____ _____	

BEST COPY AVAILABLE

SONOMA RIDGE  
 100% California  
 CHARDONNAY



DEPARTMENT OF REVENUE BUREAU OF ALCOHOL, TOBACCO AND FIREARMS APPLICATION FOR LABEL CERTIFICATION - WINE WINE BOTTLE APPROVAL			
<p>1. NAME AND ADDRESS OF APPLICANT AS SHOWN ON PLANT REGISTRY, BASIC PERMIT OR RESALE NOTICE (Required)</p> <p>David Coleman and Amelivine, Inc., dba Adler Fels Winery 5326 Corrick Lane Santa Rosa (Sonoma County), CA 95409 SW 2624 aka Sonoma Ridge Winery</p>			
<p>2. MAILING ADDRESS, IF DIFFERENT</p>			
<p>3. TYPE OF APPLICATION (Check appropriate)</p> <p><input checked="" type="checkbox"/> CERTIFICATE OF LABEL APPROVAL</p> <p><input type="checkbox"/> CERTIFICATE OF EXPORTATION LABEL APPROVAL</p> <p><input type="checkbox"/> CERTIFICATE OF IMPORTATION LABEL APPROVAL</p>			
<p>4. FORM NO. (If any)</p>			
<p>5. LAB. NO. DATE</p>			
<p>6. NET CONTENTS</p>			
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<p>8. FAX NUMBER</p>			
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<p>83. TYPE OF APPLICATION (Check appropriate)</p>			
<p>84. TYPE OF APPLICATION (Check appropriate)</p>			
<p>85. TYPE OF APPLICATION (Check appropriate)</p>			
<p>86. TYPE OF APPLICATION (Check appropriate)</p>			
<p>87. TYPE OF APPLICATION (Check appropriate)</p>			
<p>88. TYPE OF APPLICATION (Check appropriate)</p>			
<p>89. TYPE OF APPLICATION (Check appropriate)</p>			
<p>90. TYPE OF APPLICATION (Check appropriate)</p>			
<p>91. TYPE OF APPLICATION (Check appropriate)</p>			
<p>92. TYPE OF APPLICATION (Check appropriate)</p>			
<p>93. TYPE OF APPLICATION (Check appropriate)</p>			
<p>94. TYPE OF APPLICATION (Check appropriate)</p>			
<p>95. TYPE OF APPLICATION (Check appropriate)</p>			
<p>96. TYPE OF APPLICATION (Check appropriate)</p>			
<p>97. TYPE OF APPLICATION (Check appropriate)</p>			
<p>98. TYPE OF APPLICATION (Check appropriate)</p>			
<p>99. TYPE OF APPLICATION (Check appropriate)</p>			
<p>100. TYPE OF APPLICATION (Check appropriate)</p>			

Net contents 750 ml. labeled into bottle

**PART II - APPLICANT'S CERTIFICATION**

I, the undersigned, being duly sworn, depose and say that the statements appearing on this application are true and correct to the best of my knowledge and belief, and that the information on the labels attached to this form, including supplemental documents, truly and correctly represent the contents of the wine to which these labels are applied. I also certify that I have read, understood and complied with the conditions and instructions set forth in the Department of Revenue's Manual, Chapter 10, Section 1000.01, General Regulations of Label/Bottle Approval.

DATE OF APPLICATION: 10/26/07  
SIGNATURE OF APPLICANT OR AUTHORIZED AGENT: David F. Coleman  
TYPE NAME OF APPLICANT OR AUTHORIZED AGENT: David F. Coleman

**PART III - AFFIDAVIT**

DATE ISSUED: 10/26/07  
AUTHORIZED SIGNATURE, BUREAU OF ALCOHOL, TOBACCO AND FIREARMS: [Signature]

EXPIRATION DATE: 10/26/08

APPROPRIATE SET OF LABELS BELOW

**SONOMA RIDGE**  
1997 California  
ZINFANDEL

front back





ID 99063 003 000049		CT 8101 OR 01 AP		DEPARTMENT OF THE TREASURY BUREAU OF ALCOHOL, TOBACCO AND FIREARMS <b>APPLICATION FOR AND CERTIFICATION/EXEMPTION OF LABEL/BOTTLE APPROVAL</b> (See Instructions and Paperwork Reduction Act Notice on Back)	
<b>PART I - APPLICATION</b>					
1. VENDOR CODE (Required)		2. SERIAL NUMBER (Required)		7. NAME AND ADDRESS OF APPLICANT AS SHOWN ON PLANT REGISTRY, BASIC PERMIT OR BREWER'S NOTICE (Required)	
0 0 6 6		YEAR 9 9 - 8		David Coleman and Amerivine, Inc., dba Adler Pels Winery BW 5024 5325 Corrick Lane Santa Rosa, Ca 95409 (Sonoma County) dba: Sonoma Ridge Winery	
3. BRAND NAME (Required)				7a. MAILING ADDRESS, IF DIFFERENT	
SONOMA RIDGE					
4. CLASS AND TYPE (Required) (Includes wine varietal designation, if applicable)					
SAUVIGNON BLANC					
5. FANCIFUL NAME (If any)					
SONOMA COUNTY					
6. PLANT REGISTRY/BASIC PERMIT NO./BREWER'S NO. (Required)					
BW 5024					
8. FORMULA NO. (If any)		9. LAB. NO./DATE		10. NET CONTENTS	
				750 ml	
12. AGE (Distilled Spirits)		13. ALCOHOL CONTENT		11. PHONE NUMBER	
		12.5%		707 539-3123	
		14. VINTAGE (Wine products only, if stated on label)		15. FAX NUMBER	
		1998		(707) 539-3128	
16. TYPE OF APPLICATION (Check applicable box)					
a. <input checked="" type="checkbox"/> CERTIFICATE OF LABEL APPROVAL					
b. <input type="checkbox"/> CERTIFICATE OF EXEMPTION (Initial Label Approval "For sale in only" (If in State abbreviation))					
c. <input type="checkbox"/> DISTRIBUTE LIQUOR BOTTLE APPROVAL (Initial Bottle Capacity Before Closure (If in amount))					
17. SHOW ANY WORDING (a) APPEARING ON MATERIALS FIRMLY AFFIXED TO THE CONTAINER (e.g., caps, cellophane, corks, etc.) OTHER THAN THE LABELS AFFIXED BELOW, OR (b) EMBOSSED ON THE CONTAINER. THIS WORDING MUST BE NOTED HERE EVEN IF IT DUPLICATES PORTIONS OF THE LABELS AFFIXED BELOW. ALSO, PROVIDE TRANSLATIONS OF FOREIGN LANGUAGE TEXT APPEARING ON LABELS.					

net contents 750 ml branded into bottle

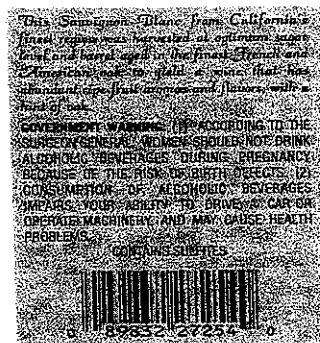
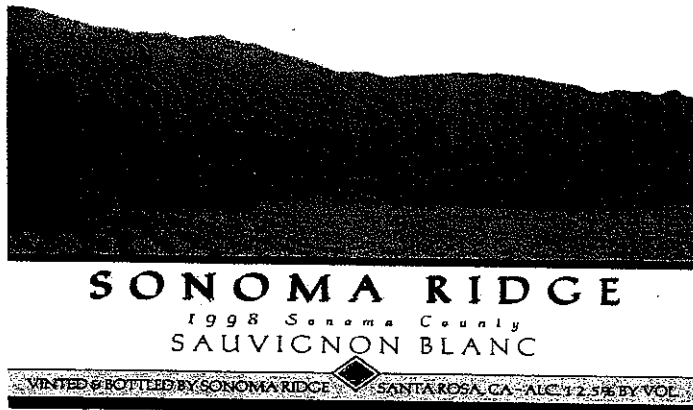
<b>PART II - APPLICANT'S CERTIFICATION</b>		
Under the penalties of perjury, I declare: that all statements appearing on this application are true and correct to the best of my knowledge and belief; and, that the representations on the labels attached to this form, including supplemental documents, truly and correctly represent the content of the containers to which these labels will be applied. I also certify that I have read, understood and complied with the conditions and instructions which appear on the reverse of an original ATF F 5100.31, Certificate/Exemption of Label/Bottle Approval.		
18. DATE OF APPLICATION	19. SIGNATURE OF APPLICANT OR AUTHORIZED AGENT	20. TYPE NAME OF APPLICANT OR AUTHORIZED AGENT
2/19/99	David F. Coleman	David F. Coleman
<b>PART III - ATF CERTIFICATE</b>		
This certificate is issued subject to applicable laws, regulations and conditions as set forth on the back of this form		
21. DATE ISSUED	22. AUTHORIZED SIGNATURE, BUREAU OF ALCOHOL, TOBACCO AND FIREARMS	
MAR 11 1999	[Signature]	
FOR ATF USE ONLY		
QUALIFICATIONS		

IF WHEN NEW LABELS ARE PRINTED, THE NAME OF THE IMPORTER/EXPORTER MUST BE PLACED TO BEAD EXACTLY THE SAME AS A NAME ON THE PERMIT.

W. N. N. J.

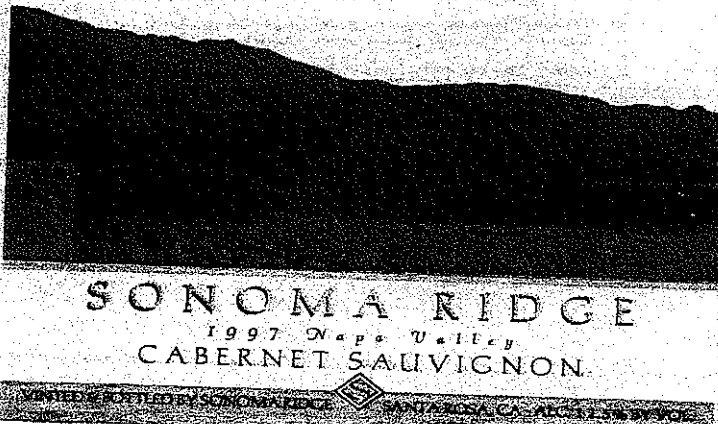
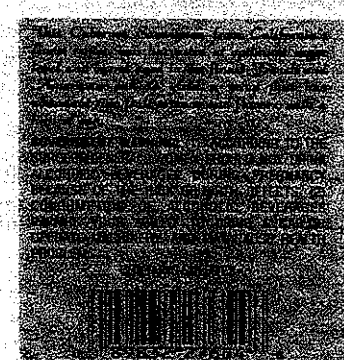
EXPIRATION DATE (If any)

AFFIX COMPLETE SET OF LABELS BELOW



ATF F 5100.31 (4-98) PREVIOUS EDITIONS ARE OBSOLETE

ID 99223 003 000021		CT 808101 AP		DEPARTMENT OF THE TREASURY BUREAU OF ALCOHOL, TOBACCO AND FIREARMS APPLICATION FOR AND CERTIFICATION/EXEMPTION OF LABEL/BOTTLE APPROVAL (See Instructions and Paperwork Reduction Act Notice on Back)	
1. VENDOR CODE (Required)		2. SERIAL NUMBER (Required)		PART I - APPLICATION	
0066		YEAR 99-52		7. NAME AND ADDRESS OF APPLICANT AS SHOWN ON PLANT REGISTRY, BASIC PERMIT OR BREWER'S NOTICE (Required)	
3. BRAND NAME (Required)		4. CLASS AND TYPE (Required) (Includes wine varietal designation, if applicable)		David Coleman and Amerivine, Inc., dba Adler Fels Winery 5325 Corrick Lane BW 5024 Santa Rosa, Ca 95409 (Sonoma County) dba: Sonoma Ridge Winery	
SONOMA RIDGE		CABERNET SAUVIGNON		7a. MAILING ADDRESS, IF DIFFERENT	
5. FANCIFUL NAME (If any)		6. PLANT REGISTRY/BASIC PERMIT NO./BREWER'S NO. (Required)			
NAPA VALLEY		BW 5024			
8. FORMULA NO. (If any)	9. LAB. NO./DATE	10. NET CONTENTS	11. PHONE NUMBER	16. TYPE OF APPLICATION (Check applicable box)	
		750 ml	707 539-3123	a. <input checked="" type="checkbox"/> CERTIFICATE OF LABEL APPROVAL	
12. AGE (Distilled Spirits)	13. ALCOHOL CONTENT	14. VINTAGE (Wine products only, if stated on label)	15. FAX NUMBER	b. <input type="checkbox"/> CERTIFICATE OF EXEMPTION FROM LABEL APPROVAL "For sale in only" (Fill in State abbreviation)	
	12.5%	1997	707 539-3128	c. <input type="checkbox"/> DISTINCTIVE LIQUOR BOTTLE APPROVAL TOTAL BOTTLE CAPACITY BEFORE CLOSURE (If of an amount)	
17. SHOW ANY WORDING (a) APPEARING ON MATERIALS FIRMLY AFFIXED TO THE CONTAINER (e.g., caps, cellophane, corks, etc.) OTHER THAN THE LABELS AFFIXED BELOW, OR (b) EMBOSSED ON THE CONTAINER. THIS WORDING MUST BE NOTED HERE EVEN IF IT DUPLICATES PORTIONS OF THE LABELS AFFIXED BELOW. ALSO, PROVIDE TRANSLATIONS OF FOREIGN LANGUAGE TEXT APPEARING ON LABELS.					
Net contents 750 ml branded into bottle					
PART II - APPLICANT'S CERTIFICATION					
Under the penalties of perjury, I declare: that all statements appearing on this application are true and correct to the best of my knowledge and belief; and, that the representations on the labels attached to this form, including supplemental documents, truly and correctly represent the content of the containers to which these labels will be applied. I also certify that I have read, understood and complied with the conditions and instructions which appear on the reverse of an original ATF F 5100.31, Certificate/Exemption of Label/Bottle Approval.					
18. DATE OF APPLICATION	19. SIGNATURE OF APPLICANT OR AUTHORIZED AGENT	20. TYPE NAME OF APPLICANT OR AUTHORIZED AGENT			
8/2/99	David Coleman	David F. Coleman			
PART III - ATF CERTIFICATE					
This certificate is issued subject to applicable laws, regulations and conditions as set forth on the back of this form.					
21. DATE ISSUED	22. AUTHORIZED SIGNATURE, BUREAU OF ALCOHOL, TOBACCO AND FIREARMS				
AUG 19 1999	John A. Meyer				
QUALIFICATIONS			FOR ATF USE ONLY		

AFFIX COMPLETE SET OF LABELS BELOW		EXPIRATION DATE (If any)
		

ID 99236 003 000069		CT 8001 01 AP		DEPARTMENT OF THE TREASURY BUREAU OF ALCOHOL, TOBACCO AND FIREARMS APPLICATION FOR AND CERTIFICATION/EXEMPTION OF LABEL/BOTTLE APPROVAL (See Instructions and Paperwork Reduction Act Notice on Back)	
1. VENDOR CODE (Required)		2. SERIAL NUMBER (Required)		PART I - APPLICATION	
006699-63		YEAR		7. NAME AND ADDRESS OF APPLICANT AS SHOWN ON PLANT REGISTRY, BASIC PERMIT OR BREWER'S NOTICE (Required)	
3. BRAND NAME (Required)		4. CLASS AND TYPE (Required) (includes wine varietal designation, if applicable)		David Coleman and Amerivine, Inc., dba Adler Fels Winery 5325 Corrick Lane Santa Rosa, Ca 95409 (Sonoma County) dba: Sonoma Ridge	
5. FANCIFUL NAME (if any)		6. PLANT REGISTRY/BASIC PERMIT NO./BREWER'S NO. (Required)		7a. MAILING ADDRESS, IF DIFFERENT	
Merlot		BW 5024			
8. FORMULA NO. (if any)	9. LAB. NO./DATE	10. NET CONTENTS	11. PHONE NUMBER	12. TYPE OF APPLICATION (Check applicable box)	
		750 ml	707 539-3123	a. <input checked="" type="checkbox"/> CERTIFICATE OF LABEL APPROVAL	
12. AGE (Distilled Spirits)	13. ALCOHOL CONTENT	14. VINTAGE (Wine products only, if stated on label)	15. FAX NUMBER	b. <input type="checkbox"/> CERTIFICATE OF EXEMPTION FROM LABEL APPROVAL For sale in only (if in State abbreviation)	
	12.5% 1999		(707) 539-3128	c. <input type="checkbox"/> INSIGNIFICANT LIQUOR BOTTLE APPROVAL TOTAL BOTTLE CAPACITY BEFORE CLOSURE (fill in amount)	
17. SHOW ANY WORDING (a) APPEARING ON MATERIALS FIRMLY AFFIXED TO THE CONTAINER (e.g., caps, celloseals, corks, etc.) OTHER THAN THE LABELS AFFIXED BELOW, OR (b) EMBOSSED ON THE CONTAINER. THIS WORDING MUST BE NOTED HERE EVEN IF IT DUPLICATES PORTIONS OF THE LABELS AFFIXED BELOW. ALSO, PROVIDE TRANSLATIONS OF FOREIGN LANGUAGE TEXT APPEARING ON LABELS.					
Net contents 750 ml branded into bottle					
PART II - APPLICANT'S CERTIFICATION					
Under the penalties of perjury, I declare: that all statements appearing on this application are true and correct to the best of my knowledge and belief; and, that the representations on the labels attached to this form, including supplemental documents, truly and correctly represent the content of the containers to which these labels will be applied. I also certify that I have read, understood and complied with the conditions and instructions which appear on the reverse of an original ATF F 5100.31, Certificate/Exemption of Label/Bottle Approval.					
18. DATE OF APPLICATION	19. SIGNATURE OF APPLICANT OR AUTHORIZED AGENT		20. TYPE NAME OF APPLICANT OR AUTHORIZED AGENT		
8/16/99	David Coleman		David F. Coleman		
PART III - ATF CERTIFICATE					
This certificate is issued subject to applicable laws, regulations and conditions as set forth on the back of this form.					
21. DATE ISSUED	22. AUTHORIZED SIGNATURE, BUREAU OF ALCOHOL, TOBACCO AND FIREARMS				
SEP 03 1999	[Signature]				
QUALIFICATIONS		FOR ATF USE ONLY			

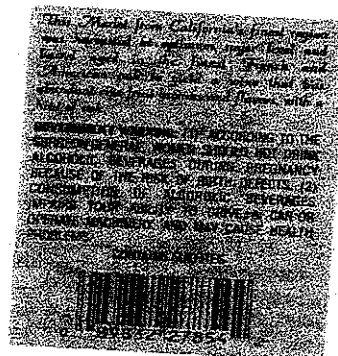
AFFIX COMPLETE SET OF LABELS BELOW

EXPIRATION DATE (if any)



SONOMA RIDGE  
1997 Sonoma County  
MERLOT

VINTED & BOTTLED BY SONOMA RIDGE SANTA ROSA, CA - ALL 12.5% BY VOL



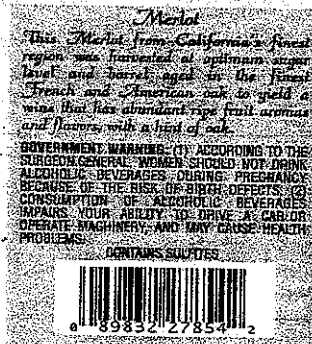
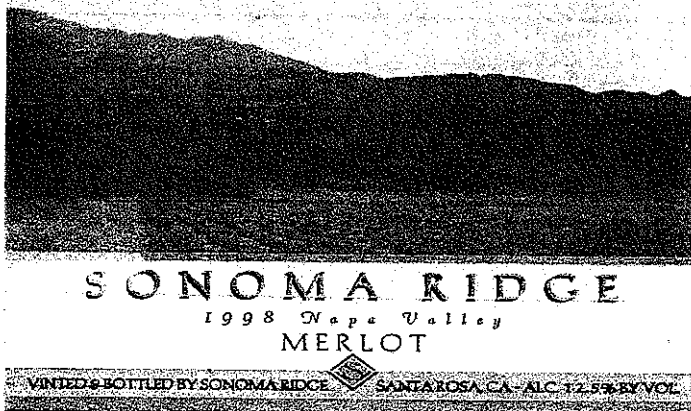
ATF F 5100.31 (4-98) PREVIOUS EDITIONS ARE OBSOLETE



ID 00158-002-000048		DEPARTMENT OF THE TREASURY BUREAU OF ALCOHOL, TOBACCO AND FIREARMS APPLICATION FOR AND CERTIFICATION/EXEMPTION OF LABEL/BOTTLE APPROVAL (See Instructions and Paperwork Reduction Act Notice on Back)	
CT 8001 01 AP		PART I - APPLICATION	
1. VENDOR CODE (Required)	2. SERIAL NUMBER (Required)	7. NAME AND ADDRESS OF APPLICANT AS SHOWN ON PLANT REGISTRY, BASIC PERMIT OR BREWER'S NOTICE (Required)	
00660	YEAR 9-27	David Coleman and Amerivine, Inc., dba Adler Fels Winery 5325 Corrick Lane Santa Rosa, Sonoma County, CA 95409 dba: Sonoma Ridge BW 5024	
3. BRAND NAME (Required) Sonoma Ridge		7a. MAILING ADDRESS, IF DIFFERENT	
4. CLASS AND TYPE (Required) (Includes wine varietal designation, if applicable) Merlot			
5. FANCIFUL NAME (if any)			
6. PLANT REGISTRY/BASIC PERMIT NO./BREWER'S NO. (Required) CA W 2404			
8. FORMULA NO. (if any)	9. LAB. NO./DATE	10. NET CONTENTS	11. PHONE NUMBER
		750 ml	(707) 539-3123
12. AGE (Distilled Spirits)	13. ALCOHOL	14. VINTAGE (Wine products only, if stated on label)	15. FAX NUMBER
	12.5%	1998	(707) 539-3128
16. TYPE OF APPLICATION (Check applicable box) a. <input checked="" type="checkbox"/> CERTIFICATE OF LABEL APPROVAL b. <input type="checkbox"/> CERTIFICATE OF EXEMPTION FROM LABEL APPROVAL "For sale in only" (Fill in State abbreviation) c. <input type="checkbox"/> DISTINCTIVE LIQUOR BOTTLE APPROVAL TOTAL BOTTLE CAPACITY BEFORE CLOSURE (Fill in amount)			
17. SHOW ANY WORDING (a) APPEARING ON MATERIALS FIRMLY AFFIXED TO THE CONTAINER (e.g., caps, cellophane, corks, etc.) OTHER THAN THE LABELS AFFIXED BELOW, OR (b) EMBOSSED ON THE CONTAINER. THIS WORDING MUST BE NOTED HERE EVEN IF IT DUPLICATES PORTIONS OF THE LABELS AFFIXED BELOW. ALSO, PROVIDE TRANSLATIONS OF FOREIGN LANGUAGE TEXT APPEARING ON LABELS. Net contents 750 ml branded into bottle			
PART II - APPLICANT'S CERTIFICATION			
Under the penalties of perjury, I declare: that all statements appearing on this application are true and correct to the best of my knowledge and belief; and, that the representations on the labels attached to this form, including supplemental documents, truly and correctly represent the content of the containers to which these labels will be applied. I also certify that I have read, understood and complied with the conditions and instructions which appear on the reverse of an original ATF F 5100.31, Certificate/Exemption of Label/Bottle Approval.			
18. DATE OF APPLICATION	19. SIGNATURE OF APPLICANT OR AUTHORIZED AGENT	20. TYPE NAME OF APPLICANT OR AUTHORIZED AGENT	
5/28/00	David Coleman	David F. Coleman	
PART III - ATF CERTIFICATE			
This certificate is issued subject to applicable laws, regulations and conditions as set forth on the back of this form.			
21. DATE ISSUED	22. AUTHORIZED SIGNATURE, BUREAU OF ALCOHOL, TOBACCO AND FIREARMS		
JUN 09 2000	[Signature]		
QUALIFICATIONS		FOR ATF USE ONLY	

AFFIX COMPLETE SET OF LABELS BELOW

EXPIRATION DATE (if any)



ATF F 5100.31 (4-98) PREVIOUS EDITIONS ARE OBSOLETE

OMB No. 1513-0020 (11/30/2005)

03297-003-000023

1. REP. ID. NO. (If any)

2. PLANT REGISTRY/BASIC PERMIT/BREWER'S NO. (Required)  
BW5024  
CA W2404

3. SERIAL NUMBER (Required)  
03-1103

4. TYPE OF PRODUCT (Required)  
☒ WINE  
☐ DISTILLED SPIRITS  
☐ MALT BEVERAGE

5. BRAND NAME (Required)  
Sonoma Ridge

6. FANCIFUL NAME (If any)

7. NAME AND ADDRESS OF APPLICANT AS SHOWN ON PLANT REGISTRY, BASIC PERMIT OR BREWER'S NOTICE. INCLUDE APPROVED DBA OR TRADENAME IF USED ON THE LABEL (Required)  
David Coleman and Amerivine, Inc. dba Adler Fels  
5325 Corrick Lane  
Santa Rosa, CA 95409  
dba: Sonoma Ridge

7a. MAILING ADDRESS, IF DIFFERENT

8. EMAIL ADDRESS

9. FORMULA/SOP NO. (If any)

10. LAB. NO. & DATE/PRE-IMPORT NO. & DATE (If any)

11. NET CONTENTS  
750 ml

12. ALCOHOL CONTENT  
12.5%

13. WINE APPELLATION (If on label)  
Paso Robles

14. WINE VINTAGE DATE (If on label)  
2000

15. PHONE NUMBER  
(707) 539-3123

16. FAX NUMBER  
(707) 539-3128

17. TYPE OF APPLICATION (Check applicable box(es))  
a. ☒ CERTIFICATE OF LABEL APPROVAL  
b. ☐ CERTIFICATE OF EXEMPTION FROM LABEL APPROVAL  
"For sale in \_\_\_\_\_ only" (Fill in State abbreviation)  
c. ☐ DISTINCTIVE LIQUOR BOTTLE APPROVAL, TOTAL BOTTLE CAPACITY BEFORE CLOSURE (Fill in amount)  
d. ☐ RESUBMISSION AFTER REJECTION TTB ID

18. SHOW ANY WORDING (a) APPEARING ON MATERIALS FIRMLY AFFIXED TO THE CONTAINER (e.g., caps, celloseals, corks, etc.) OTHER THAN THE LABELS AFFIXED BELOW, OR (b) BLOWN, BRANDED OR EMBOSSED ON THE CONTAINER (e.g., net contents, etc.). THIS WORDING MUST BE NOTED HERE EVEN IF IT DUPLICATES PORTIONS OF THE LABELS AFFIXED BELOW. ALSO, PROVIDE TRANSLATIONS OF FOREIGN LANGUAGE TEXT APPEARING ON LABELS.  
Net contents 750 ml branded into bottle

**PART II - APPLICANT'S CERTIFICATION**  
Under the penalties of perjury, I declare: that all statements appearing on this application are true and correct to the best of my knowledge and belief; and, that the representations on the labels attached to this form, including supplemental documents, truly and correctly represent the content of the containers to which these labels will be applied. I also certify that I have read, understood and complied with the conditions and instructions which are attached to an original TTB F-5100.31, Certificate/Exemption of Label/Bottle Approval.

19. DATE OF APPLICATION: 10/15/03  
20. SIGNATURE OF APPLICANT OR AUTHORIZED AGENT: David Coleman  
21. PRINT NAME OF APPLICANT OR AUTHORIZED AGENT: David Coleman

**PART III - TTB CERTIFICATE**  
This certificate is issued subject to applicable laws, regulations and conditions as set forth in the instructions portion of this form.

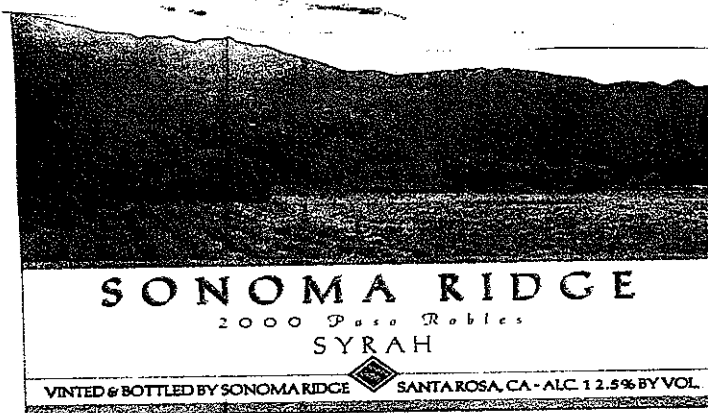
22. DATE ISSUED: NOV 12 2003  
23. AUTHORIZED SIGNATURE, ALCOHOL AND TOBACCO TAX AND TRADE BUREAU

**FOR TTB USE ONLY**

QUALIFICATIONS

EXPIRATION DATE (If any)

AFFIX COMPLETE SET OF LABELS BELOW (See General Instructions 4, 6 and 7)



This Syrah from Paso Robles' finest region was harvested at optimum sugar level and barrel aged in the finest French and American oak to yield a wine that has abundant ripe fruit aromas and flavors, with a hint of oak.

**GOVERNMENT WARNING:** (1) ACCORDING TO THE SURGEON GENERAL, WOMEN SHOULD NOT DRINK ALCOHOLIC BEVERAGES DURING PREGNANCY BECAUSE OF THE RISK OF BIRTH DEFECTS. (2) CONSUMPTION OF ALCOHOLIC BEVERAGES IMPAIRS YOUR ABILITY TO DRIVE A CAR OR OPERATE MACHINERY, AND MAY CAUSE HEALTH PROBLEMS.

CONTAINS SULFITES

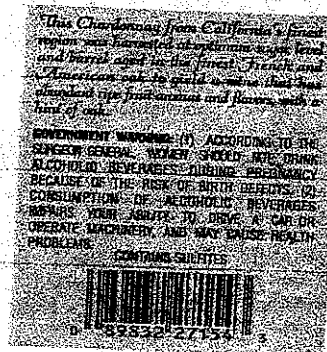
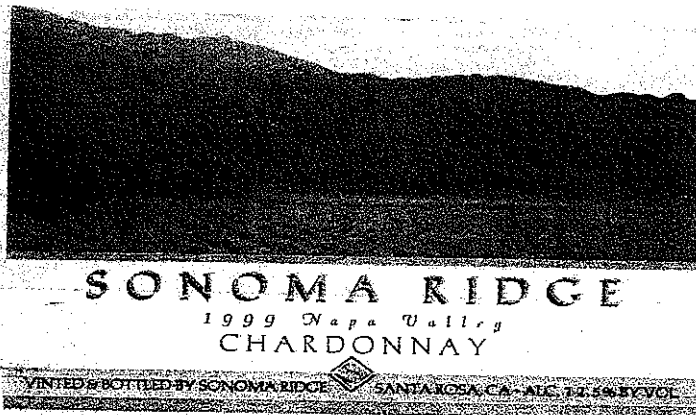


0 89832 27454 4

OMB No. 1512-0092 (03-312001)	
DEPARTMENT OF THE TREASURY BUREAU OF ALCOHOL, TOBACCO AND FIREARMS APPLICATION FOR AND CERTIFICATION/EXEMPTION OF LABEL/BOTTLE APPROVAL (See Instructions and Paperwork Reduction Act Notice on Back)	
ID 00333-003-000031 CT 81 OR AP	
<b>PART I - APPLICATION</b> 1. VENDOR CODE (Required) 2. SERIAL NUMBER (Required) 0 0 6 6 0 0 7 4 3. BRAND NAME (Required) <u>Sonoma Ridge</u> 4. CLASS AND TYPE (Required) (Includes wine varietal designation, if applicable) <u>Chardonnay</u> 5. FANCIFUL NAME (If any) 6. PLANT REGISTRY/BASIC PERMIT NO./BREWER'S NO. (Required) <u>CA. W 2404</u> 7. NAME AND ADDRESS OF APPLICANT AS SHOWN ON PLANT REGISTRY, BASIC PERMIT OR BREWER'S NOTICE (Required) <u>DAVID COLEMAN and Ametiville, Inc., dba</u> <u>Adler Fels Winery BW 5024</u> <u>5325 Corrick Lane</u> <u>Santa Rosa, CA 95409 (Sonoma County)</u> dba: <u>Sonoma Ridge</u> 7a. MAILING ADDRESS, IF DIFFERENT	
8. FORMULA NO. (If any) 9. LAB. NO./DATE 10. NET CONTENTS 11. PHONE NUMBER 16. TYPE OF APPLICATION (Check applicable box) 12. AGE (Distilled Spirits) 13. ALCOHOL CONTENT 14. VINTAGE (Wine products only, if stated on label) 15. FAX NUMBER 750 ml (707) 539-3123 12.5% 1999 (707) 539-3128 a. <input checked="" type="checkbox"/> CERTIFICATE OF LABEL APPROVAL b. <input type="checkbox"/> CERTIFICATE OF EXEMPTION FROM LABEL APPROVAL "For sale in only" (Fill in State abbreviation) c. <input type="checkbox"/> DISTINCTIVE LIQUOR BOTTLE APPROVAL TOTAL BOTTLE CAPACITY BEFORE CLOSURE (Fill in amount)	
17. SHOW ANY WORDING (a) APPEARING ON MATERIALS FIRMLY AFFIXED TO THE CONTAINER (e.g., caps, cellophane, corks, etc.) OTHER THAN THE LABELS AFFIXED BELOW, OR (b) EMBROSSED ON THE CONTAINER. THIS WORDING MUST BE NOTED HERE EVEN IF IT DUPLICATES PORTIONS OF THE LABELS AFFIXED BELOW. ALSO, PROVIDE TRANSLATIONS OF FOREIGN LANGUAGE TEXT APPEARING ON LABELS. Net contents 750 ml blown into bottle	
<b>PART II - APPLICANT'S CERTIFICATION</b> Under the penalties of perjury, I declare: that all statements appearing on this application are true and correct to the best of my knowledge and belief; and, that the representations on the labels attached to this form, including supplemental documents, truly and correctly represent the content of the containers to which these labels will be applied. I also certify that I have read, understood and complied with the conditions and instructions which appear on the reverse of an original ATF F 5100.31, Certificate/Exemption of Label/Bottle Approval. 18. DATE OF APPLICATION 19. SIGNATURE OF APPLICANT OR AUTHORIZED AGENT 20. TYPE NAME OF APPLICANT OR AUTHORIZED AGENT 11-27-00 <u>David F. Coleman</u> <u>David F. Coleman</u>	
<b>PART III - ATF CERTIFICATE</b> This certificate is issued subject to applicable laws, regulations and conditions as set forth on the back of this form. 21. DATE ISSUED 22. AUTHORIZED SIGNATURE, BUREAU OF ALCOHOL, TOBACCO AND FIREARMS DEC 08 2000 <u>David F. Coleman</u>	
QUALIFICATIONS FOR ATF USE ONLY	

AFFIX COMPLETE SET OF LABELS BELOW

EXPIRATION DATE (If any)



ATF F 5100.31 (4-98) PREVIOUS EDITIONS ARE OBSOLETE

**Janice Garcia - Activity in Case 3:07-cv-02279-EMC Garcia v. Coleman et al "Complaint"**

---

**From:** <ECFHELPDESK@cand.uscourts.gov>  
**To:** <efiling@cand.uscourts.gov>  
**Date:** 4/27/2007 9:13 AM  
**Subject:** Activity in Case 3:07-cv-02279-EMC Garcia v. Coleman et al "Complaint"

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**\*\*\*NOTE TO PUBLIC ACCESS USERS\*\*\* You may view the filed documents once without charge. To avoid later charges, download a copy of each document during this first viewing.**

U.S. District Court  
Northern District of California  
**Notice of Electronic Filing or Other Case Activity**

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NOTE: Please read this entire notice before calling the Help Desk. If you have questions, please email the Help Desk by replying to this message; include your question or comment along with the original text.

Please note that these Notices are sent for all cases in the system when any case activity occurs, regardless of whether the case is designated for e-filing or not, or whether the activity is the filing of an electronic document or not.

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If there are **two** hyperlinks below, the first will lead to the docket and the second will lead to an e-filed document.

***If there is no second hyperlink, there is no electronic document available .***

See the FAQ posting 'I have a Notice of Electronic Filing that was e-mailed to me but there's no hyperlink...' on the ECF home page at <https://ecf.cand.uscourts.gov> for more information.

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The following transaction was received from entered on 4/27/2007 at 9:10 AM and filed on 4/26/2007

**Case Name:** Garcia v. Coleman et al  
**Case Number:** 3:07-cv-2279  
**Filer:** Roland E. Garcia  
**Document Number:** 1

**Docket Text:**

COMPLAINT; summons issued against David Coleman, Ann Coleman, Amerivine, Inc. (Filing fee \$ 350, receipt number 34611005698). Filed by Roland E. Garcia. (slh, COURT STAFF) (Filed on 4/26/2007)

The following document(s) are associated with this transaction:

**3:07-cv-2279 Notice will be electronically mailed to:**

John Bernard Dawson jdawson@cmprlaw.com, jgarcia@cmprlaw.com

Dawn M. Ross dross@cmprlaw.com, jgarcia@cmprlaw.com

**3:07-cv-2279 Notice will be delivered by other means to:**



**CIVIL COVER SHEET**

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON PAGE TWO.)

**I.(a) PLAINTIFFS**

ROLAND E. GARCIA, doing business as "GARCIA INTERNATIONAL TRADING"

**DEFENDANTS**

DAVID COLEMAN, an individual, ANN COLEMAN, an individual, AMERIVINE, INC. and DOES 1-100.

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF  
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

John B. Dawson, Carle, Mackie, Power & Ross, 100 B St., #400,  
Santa Rosa, CA 95401, (707) 526-4200

ATTORNEYS (IF KNOWN)

**II. BASIS OF JURISDICTION (PLACE AN "X" IN ONE BOX ONLY)**

☒ 1 U.S. Government Plaintiff

☒ 2 U.S. Government Defendant

☒ 3 Federal Question  
(U.S. Government Not a Party)

☒ 4 Diversity  
(Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)**

(For diversity cases only)

Citizen of This State

Citizen of Another State

Citizen or Subject of a Foreign Country

PTF DEF  
☒ 1 ☒ 1

☒ 2 ☒ 2

☒ 3 ☒ 3

Incorporated or Principal Place of Business in This State

Incorporated and Principal Place of Business in Another State

Foreign Nation

PTF DEF  
☒ 4 ☒ 4

☒ 5 ☒ 5

☒ 6 ☒ 6

**IV. ORIGIN**

(PLACE AN "X" IN ONE BOX ONLY)

☒ Original Proceeding

☒ Removed from State Court

☒ Remanded from Appellate Court

☒ Reinstated or Reopened

☒ Transferred from Another district (specify)

☒ Multidistrict Litigation

☒ Appeal to District Judge from Magistrate Judgment

**V. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)**

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input checked="" type="checkbox"/> 110 Insurance <input checked="" type="checkbox"/> 120 Marine <input checked="" type="checkbox"/> 130 Miller Act <input checked="" type="checkbox"/> 140 Negotiable Instrument <input checked="" type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input checked="" type="checkbox"/> 151 Medicare Act <input checked="" type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input checked="" type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input checked="" type="checkbox"/> 160 Stockholders Suits <input checked="" type="checkbox"/> 190 Other Contract <input checked="" type="checkbox"/> 195 Contract Product Liability <input checked="" type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input checked="" type="checkbox"/> 310 Airplane <input checked="" type="checkbox"/> 315 Airplane Product Liability <input checked="" type="checkbox"/> 320 Assault Libel & Slander <input checked="" type="checkbox"/> 330 Federal Employers Liability <input checked="" type="checkbox"/> 340 Marine <input checked="" type="checkbox"/> 345 Marine Product Liability <input checked="" type="checkbox"/> 350 Motor Vehicle <input checked="" type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury	<b>PERSONAL INJURY</b> <input checked="" type="checkbox"/> 362 Personal Injury Med Malpractice <input checked="" type="checkbox"/> 365 Personal Injury Product Liability <input checked="" type="checkbox"/> 368 Asbestos Personal Injury Product Liability  <b>PERSONAL PROPERTY</b> <input checked="" type="checkbox"/> 370 Other Fraud <input checked="" type="checkbox"/> 371 Truth in Lending <input checked="" type="checkbox"/> 380 Other Personal Property Damage <input checked="" type="checkbox"/> 385 Property Damage Product Liability	<input checked="" type="checkbox"/> 610 Agriculture <input checked="" type="checkbox"/> 620 Other Food & Drug <input checked="" type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input checked="" type="checkbox"/> 630 Liquor Laws <input checked="" type="checkbox"/> 640 RR & Truck <input checked="" type="checkbox"/> 650 Airline Regs <input checked="" type="checkbox"/> 660 Occupational Safety/Health <input checked="" type="checkbox"/> 690 Other  <b>LABOR</b> <input checked="" type="checkbox"/> 710 Fair Labor Standards Act <input checked="" type="checkbox"/> 720 Labor/Mgmt Relations <input checked="" type="checkbox"/> 730 Labor/Mgmt Reporting & Disclosure Act <input checked="" type="checkbox"/> 740 Railway Labor Act <input checked="" type="checkbox"/> 790 Other Labor Litigation <input checked="" type="checkbox"/> 791 Empl.Ret. Inc. Security Act	<input checked="" type="checkbox"/> 422 Appeal 28 USC 158 <input checked="" type="checkbox"/> 423 Withdrawal 28 USC 157  <b>PROPERTY RIGHTS</b> <input checked="" type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input checked="" type="checkbox"/> 840 Trademark  <b>SOCIAL SECURITY</b> <input checked="" type="checkbox"/> 861 HIA (1395ff) <input checked="" type="checkbox"/> 862 Black Lung (923) <input checked="" type="checkbox"/> 863 DIWC/DIWW (405(g)) <input checked="" type="checkbox"/> 864 SSID Title XVI <input checked="" type="checkbox"/> 865 RSI (405(g))	<input checked="" type="checkbox"/> 400 State Reapportionment <input checked="" type="checkbox"/> 410 Antitrust <input checked="" type="checkbox"/> 430 Banks and Banking <input checked="" type="checkbox"/> 450 Commerce/ICC Rates/etc. <input checked="" type="checkbox"/> 460 Deportation <input checked="" type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input checked="" type="checkbox"/> 490 Cable/Satellite TV <input checked="" type="checkbox"/> 510 Selective Service <input checked="" type="checkbox"/> 550 Securities/Commodities/Exchange <input checked="" type="checkbox"/> 575 Customer Challenge 12 USC 3410 <input checked="" type="checkbox"/> 581 Agricultural Acts <input checked="" type="checkbox"/> 592 Economic Stabilization Act <input checked="" type="checkbox"/> 593 Environmental Matters <input checked="" type="checkbox"/> 594 Energy Allocation Act <input checked="" type="checkbox"/> 595 Freedom of Information Act <input checked="" type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input checked="" type="checkbox"/> 950 Constitutionality of State Statutes <input checked="" type="checkbox"/> 990 Other Statutory Actions
<b>REAL PROPERTY</b> <input checked="" type="checkbox"/> 210 Land Condemnation <input checked="" type="checkbox"/> 220 Foreclosure <input checked="" type="checkbox"/> 230 Rent Lease & Ejectment <input checked="" type="checkbox"/> 240 Torts to Land <input checked="" type="checkbox"/> 245 Tort Product Liability <input checked="" type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input checked="" type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input checked="" type="checkbox"/> 443 Housing <input checked="" type="checkbox"/> 444 Welfare <input checked="" type="checkbox"/> 440 Other Civil Rights <input checked="" type="checkbox"/> 445 Amer w/ disab - Empl <input checked="" type="checkbox"/> 446 Amer w/ disab - Other	<b>PRISONER PETITIONS</b> <input checked="" type="checkbox"/> 510 Motion to Vacate Sentence Habeas Corpus <input checked="" type="checkbox"/> 530 General <input checked="" type="checkbox"/> 535 Death Penalty <input checked="" type="checkbox"/> 540 Mandamus & Other <input checked="" type="checkbox"/> 550 Civil Rights <input checked="" type="checkbox"/> 555 Prison Condition		<b>FEDERAL TAX SUITS</b> <input checked="" type="checkbox"/> 870 Taxes (US Plaintiff or Defendant) <input checked="" type="checkbox"/> 871 IRS - Third Party 26 USC 7609	

**VI. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)**

California Business and Professions Code Section 17200 - cl seq

TBD

**VII. REQUESTED IN COMPLAINT:** ☐ CHECK IF THIS IS A CLASS ACTION DEMAND \$  CHECK YES only if demanded in complaint:  
UNDER F.R.C.P. 23 JURY DEMAND: ☒ YES ☐ NO

**VIII. RELATED CASE(S) IF ANY** PLEASE REFER TO CIVIL L.R. 3-12 CONCERNING REQUIREMENT TO FILE "NOTICE OF RELATED CASE".

**IX. DIVISIONAL ASSIGNMENT (CIVIL L.R. 3-2)**  
(PLACE AND "X" IN ONE BOX ONLY)

☒ SAN FRANCISCO/OAKLAND

☐ SAN JOSE

DATE

SIGNATURE OF ATTORNEY OF RECORD

4/25/07

*[Signature]*

## **EXHIBIT F**

Case 3:07-cv-02279-EMC  
Certificate of Registration

Document 18

Filed 08/29/2007

Page 1 of 1



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Marybeth Peters*  
Register of Copyrights, United States of America

Form VA  
For a Work of the Visual Arts

VA 1-413-281



EFFECTIVE DATE OF REGISTRATION

*JAN 3 2007*  
Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

1

Title of This Work ▼

NATURE OF THIS WORK ▼ See instructions

Sonoma Ridge

wine label

Previous or Alternative Titles ▼

Publication as a Contribution: If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work ▼

If published in a periodical or serial give: Volume ▼

Number ▼

Issue Date ▼

Of Pages ▼

2

NAME OF AUTHOR ▼

a Roland Edward Garcia

DATES OF BIRTH AND DEATH

Year Born ▼

Year Died ▼

1928

Was this contribution to the work a

"work made for hire"?

☒ Yes☐ No

Author's Nationality or Domicile

Name of Country

OR

Citizen of United StatesDomiciled in California

Was This Author's Contribution to the Work

Anonymous? ☐ Yes ☒ NoPseudonymous? ☐ Yes ☒ No

If the answer to either of these questions is "Yes," see detailed instructions.

Nature of Authorship. Check appropriate box(es). See instructions.

☐ 3-Dimensional sculpture☐ Map☐ Technical drawing☒ 2-Dimensional artwork☒ Photograph☐ Text☐ Reproduction of work of art☐ Jewelry design☐ Architectural work

Name of Author ▼

Dates of Birth and Death

Year Born ▼

Year Died ▼

Was this contribution to the work a

"work made for hire"?

☐ Yes☐ No

Author's Nationality or Domicile

Name of Country

OR

Citizen of

Domiciled in

Was This Author's Contribution to the Work

Anonymous? ☐ Yes ☒ NoPseudonymous? ☐ Yes ☒ No

If the answer to either of these questions is "Yes," see detailed instructions.

Nature of Authorship. Check appropriate box(es). See instructions.

☐ 3-Dimensional sculpture☐ Map☐ Technical drawing☒ 2-Dimensional artwork☐ Photograph☐ Text☐ Reproduction of work of art☐ Jewelry design☐ Architectural work

3

Year in Which Creation of This Work Was

Completed

1997

This information must be given in all cases.

Date and Nation of First Publication of This Particular Work

Complete this information

ONLY if this work has been published.

Month

08

Day

01

Year

1997

Nation

4

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2. ▼

Roland Edward Garcia

P.O. Box 2061

Escondido, CA 92033

Transfer: If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼

APPLICATION RECEIVED

JAN 03 2007

ONE DEPOSIT RECEIVED

TWO DEPOSITS RECEIVED

JAN 03 2007

FUNDS RECEIVED

MORE ON BACK ►

• Complete all applicable spaces (numbers 1-4) on the reverse side of this page.  
• See detailed instructions.  
• Sign the form at line 2.

DO NOT WRITE HERE

Page 1 of 2 pages



Case 3:07-cv-02279-EMC Document 18 Filed 08/29/2007 Page 19 of 24

Forwarded By C.O. via authority of FAX rec'd from  
Jay Behnke on 7/25/07 filed in US.

EXAMINED BY <u>Vg</u>	FORM VA
CHECKED BY	
<input checked="" type="checkbox"/> CORRESPONDENCE	FOR COPYRIGHT OFFICE USE ONLY
Yes	

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

☐ Yes ☒ No If your answer is "Yes," why is another registration being sought? (Check appropriate box.) ▼
a. ☐ This is the first published edition of a work previously registered in unpublished form.b. ☐ This is the first application submitted by this author as copyright claimant.c. ☐ This is a changed version of the work, as shown by space 6 on this application.

If your answer is "Yes," give: Previous Registration Number ▼

Year of Registration ▼

DERIVATIVE WORK OR COMPILATION Complete both space 6a and 6b for a derivative work; complete only 6b for a compilation.

a. Preexisting Material Identify any preexisting work or works that this work is based on or incorporate. ▼

b. Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. ▼

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.

Name ▼

Account Number ▼

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt/City/State/Zip ▼

Jay M. Behnke  
100 B Street, Suite 400  
Santa Rosa, CA 95401

Area code and daytime telephone number (707) 526-4200

Fax number (707) 526-4707

Email jmbehnke@cmpriaw.com

CERTIFICATION\* I, the undersigned, hereby certify that I am the

check only one: {

☐ author☐ other copyright claimant☐ owner of exclusive right(s)☒ authorized agent of Roland Edward Garcia

Name of author or other copyright claimant, or owner of exclusive right(s) &amp;

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Typed or printed name and date ▼ If this application gives a date of publication in space 8, do not sign and submit it before that date.

Jay M. Behnke

Date 12/20/06

Handwritten signature (X) ▼

x Jay M. Behnke

Certificate  
will be  
mailed in  
window  
envelope  
to this  
address:

Name ▼  
Jay M. Behnke  
Number/Street/Apt ▼  
100 B Street, Suite 400  
City/State/ZIP ▼  
Santa Rosa, CA 95401

## YOU MUST:

\* Complete all necessary notices

\* Sign your application in space 8

SEND ALL 3 ELEMENTS

IN THE SAME PACKAGE

1. Application form

2. Nonreturnable filing fee in check or money

order payable to Register of Copyrights

3. Deposit material

MAIL TO:

Library of Congress

Copyright Office

101 Independence Avenue SE

Washington, DC 20559-6000

\* 17 USC 506(e): Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 409, or in any written statement filed in connection with the application, shall be fined not more than \$2,500.